

REMARKS

Entry of this amendment prior to examination on the merits is respectfully requested. Claims 3, 4, 7-9, 12, 13 and 16-18 have been canceled without prejudice or disclaimer. Claims 2, 10, 11, 14 and 15 have been amended to more clearly identify the respective subject matter recited therein. Claims 19 and 20 have been added. Support for these claims can be found in original claims 9 and 18. No new matter has been added by these amendments. Claims 1, 2, 5, 6, 10, 11, 14, 15, 19 and 20 are currently at issue.

Restriction Requirement Under 35 U.S.C. § 121 and § 372

The Examiner has required the election of a single invention from the following groups:

Group I. Claims 1, 2, 5, 6, 10, 11, 14 and 15 drawn to an antimicrobial peptide including one of the amino acid sequences selected from SEQ ID NOS: 1 to 34 with the corresponding formula I:

N-terminus - $X^1X^2X^3X^4X^5X^6X^7X^8X^9X^{10}X^{11}X^{12}X^{13}X^{14}X^{15}$ - C-terminus, as defined in claim 1 and a first pharmaceutical composition thereof.

Group II. Claims 3, 4, 7, 8, 12, 13, 16 and 17, drawn to an antimicrobial peptide including one of the amino acid sequences selected from SEQ ID NOS: 33 to 68 with the corresponding formula I:

N-terminus - $X^{15}X^{14}X^{13}X^{12}X^{11}X^{10}X^9X^4X^5X^6X^7X^8X^3X^2X^1$ - C-terminus, as defined in claim 3 and a second pharmaceutical composition thereof.

Group III. Claims 9 and 18, drawn to an antimicrobial peptide including one of the amino acid sequences selected from SEQ ID NOS: 69 to 72 and a third pharmaceutical composition thereof.

The Restriction Requirement is respectfully traversed. It is submitted that a portion of Invention Group III shares inventive scope with Invention Group I. SEQ ID NOS: 69 and 70, assigned to Invention Group III, have the same amino acid sequence as SEQ ID NOS: 16 and 32, but are not C-terminal amidated. (See Table 1, page 11 and 12 of the specification). SEQ ID NOS: 16 and 32 are recited in claim 6, which is assigned to Invention Group I. Therefore, SEQ ID NOS:

69 and 70 are also encompassed within the scope of Invention Group I. It is respectfully requested that the Examiner assign new claims 19 and 20, which call for SEQ ID NOS: 69 and 70, to Invention Group I.

Invention Group I is provisionally elected, and species SEQ ID NO: 1 is elected for the purposes of searching. Claims 1, 2, 5, 6, 10, 11, 14, 15, 19 and 20 are within the scope of elected Invention Group I.

A prompt Official Action on the merits of the elected claims is respectfully requested.

Dated: March 12, 2007

Respectfully submitted,

By

S. Peter Ludwig

Registration No.: 25,351

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant